

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILIP J. WALZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

07-cv-649-jcs
06-cr-25-jcs

Petitioner moved to vacate his sentence under 28 U.S.C. § 2255 because he was not being provided medical treatment. The United States responded on December 5, 2007. Petitioner replied on January 14, 2008.

Petitioner's allegations that he is not receiving medical treatment are not cognizable claims under 28 U.S.C. §2255. See Borre v. United States, 940 F.2d 215, 217 (7th Cir. 1991). Accordingly, his motion under 28 U.S.C. §2255 will be denied.

Petitioner may pursue his claims concerning medical treatment in a civil rights action or a Federal Tort Claims Act action.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his motion must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

Walz v. U.S., 06-cr-25-jcs

ORDER

IT IS ORDERED that petitioner's 28 U.S.C. § 2255 motion is DENIED.

Entered this 16th day of January, 2008.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge